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Held at the Palais des Nations, Geneva,
on Tuesday, 16 April 1996, at 3 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

later: Mr. LEGAULT (Canada)

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The meeting was called to order at 5.15 p.m.

STATEMENT BY HILMO PASIC, MINISTER OF JUSTICE OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA

1. Mr. PASIC (Observer for Bosnia and Herzegovina), drawing attention to certain crucial facts relating to the period before the Dayton Agreement, said that all of the peoples of the former Yugoslavia, in particular those of Bosnia and Herzegovina, had been victims of the policy of genocide carried out pursuant to the "Greater Serbia" policy of the Belgrade regime. The response of the international community, particularly the member States of the Security Council, had been basically a humanitarian one, but the arms embargo had denied the victims the right to defend themselves. Too much time had been given to the aggressors to carry out their plans. In the name of realpolitik or for reasons of historical friendship, some key countries had even sided with the "Serbian cause" and had advocated the partition of Bosnia and Herzegovina on an ethnic basis. In fact, that ethnic criterion had inspired every peace plan until the Dayton Agreement.

2. The Dayton Peace Agreement, which preserved the sovereignty of Bosnia and Herzegovina, had been accepted by that State and embodied in its legal system. Several of the institutions provided for in the Agreement, such as the Ombudsman, the Commission for Human Rights and the Court of Human Rights, had been or were being established. It was therefore to be hoped that the process which had begun in March 1994 in Washington with the establishment of the Federation of Bosnia and Herzegovina would be a first step towards reconciliation and democratization in Bosnia and Herzegovina.

3. Despite the evident positive contribution of international humanitarian organizations, some of them had made mistakes which had contributed to the violation of human rights. One example was the attitude of the International Committee of the Red Cross (ICRC) and the Office of the United Nations High Commissioner for Refugees (UNHCR) during the fall of the United Nations safe areas in Srebenica and Zepa, which had resulted in the death or disappearance of thousands of civilians.

4. It was high time to clarify what had been done in Bosnia and Herzegovina and to make it clear where the responsibility lay. It was impossible to accept the idea of equal responsibility. There was no collective guilt of peoples or any right to punish a people. Throughout history, there had been conflicts between individuals, groups or regimes and peoples, cultures or even religions. The Central Intelligence Agency (CIA) itself had supported that statement by declaring, in March 1995, that 90 per cent of all atrocities in the region had been committed by Serbian extremists and that information had been confirmed by independent sources.

5. Nevertheless, the Republic of Bosnia and Herzegovina had not given in to the temptation of revenge and had signed the military and civilian agreement in 1995. According to all assessments, the military part of the agreement, was being well implemented because its instruments were precisely defined. However, there had been little progress in the implementation of the civilian part of the agreement because some forces were against peace and democracy and favoured the partition of Bosnia and Herzegovina. In the case of the Serbian

entity, those forces were led by war criminals such as Karadzic, Mladic and others, who had been indicted by the International Tribunal at The Hague and who still had the support of the regime that had installed them, even though the annex to the Dayton Agreement stipulated that all criminals should be urgently brought to trial. Failure to implement the civil part of the Dayton Agreement unfortunately encouraged the trend towards an ethnic partition of Bosnia and Herzegovina rather than helping that State, which had been a member of the United Nations since 1992, to make progress towards democratization and reconciliation.

6. He wondered whether it was possible to establish lasting peace and democracy with those responsible for a campaign of aggression that had cost the lives of 200,000 civilians, a policy of "ethnic cleansing" which had produced 1,500,000 refugees, the destruction of places of worship, the systematic rape of 25,000 women and girls and the deaths of 17,000 children. He asked how there could be any hope of promoting respect for human rights with those who did not recognize any differences among people or any rights and freedoms. Before peace could be established in Bosnia and Herzegovina and the region of the former Yugoslavia, all of the war criminals must be brought before the International Tribunal at The Hague and the courts of Bosnia and Herzegovina. The instigators of genocide must also be removed from power in order to speed up the process of reconciliation and democratization and permit the refugees and displaced persons to return to their homes. The international community must therefore take the strongest legal, economic and political measures to remove the forces that were against peace and democracy in the former Yugoslavia.

7. In order to encourage that process, it might also be necessary to change the method of work of the thematic rapporteurs so that the situation of human rights in the new Balkan States could be monitored. From the beginning of the aggression, only Tadeusz Mazowiecki, Elizabeth Rhen and Manfred Nowak had been visiting Bosnia and Herzegovina. Any report on the human rights situation in the former Yugoslavia must reflect the fact that the Republic of Bosnia and Herzegovina had been a victim of aggression and genocide and that the legal organs of the State had done their best to avoid human rights violations. The recommendations of the special rapporteurs on human rights should include sanctions for the consequences of aggression and genocide; trial of the perpetrators of those crimes by the International Tribunal at The Hague; suggestions for institutional or other measures for ensuring respect for human rights throughout Bosnia and Herzegovina, particularly with regard to returnees; the establishment of a programme of search for missing persons; assistance to victims of aggression and genocide, particularly children, women and disabled persons; and support for rehabilitation and reconstruction. Any assistance must be provided on the basis of full respect for human rights and in cooperation with the Tribunal at The Hague. Those recommendations, if implemented, would contribute to the holding of free and democratic elections in Bosnia and Herzegovina. The special rapporteurs should also cooperate closely with the authorities and relevant institutions of Bosnia and Herzegovina.

8. Those considerations should guide the Commission in preparing a draft resolution on the effective implementation of the Dayton Peace Agreement. His delegation would prefer a separate resolution on Bosnia and Herzegovina.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

(E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7, 9, 12, 16 and Add.1, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 114, 115, 119, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 133, 135, 139, 145, 146, 149, 150, 154; E/CN.4/1996/NGO/9, 10, 12, 16, 17, 18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67, 68, 69, 80; A/50/471, 567, 568, 569, 663, 734, 767; A/50/894-S/1996/203)

9. Mr. MAYE NSUE MANGUE (Observer for Equatorial Guinea) said that the Commission should be a forum for study and for the dissemination of information and recommendations to provide effective solutions to human rights problems. However, some political forces were seeking to use it merely to condemn Governments, which were, however, those most concerned by the promotion and protection of human rights.

10. His delegation strongly regretted that the addendum to the report of the Special Rapporteur on the human rights situation in Equatorial Guinea (E/CN.4/1996/67 and Add.1) reflected only the point of view of certain political groups outside the country which had questioned the constitutionality of the presidential elections. While he recognized the concept of the interdependence of human rights, the political reality of Equatorial Guinea must not be forgotten: eight political parties had participated in the 1993 legislative elections and, in the 1995 municipal elections, 18 towns had been carried by the party in power and eight by the opposition. Furthermore, according to the international observers present, the presidential elections held in February 1996 had been pluralist and democratic.

11. His Government appreciated the work of the non-governmental organizations (NGOs), but noted that some of them never made field visits and confined themselves to making criticisms from Geneva. He therefore invited anyone interested to visit Equatorial Guinea and examine the situation at first hand.

12. Mr. COPITHORNE (Special representative on the situation of human rights in Iran), introducing his report (E/CN.4/1996/59), said he regretted that he had not been able to complete his visit to the Islamic Republic of Iran until just before the session and had therefore been very late in submitting his report to the Division of Conference Services. The report also exceeded the length recommended by the Commission. He had wanted to explain his approach to his mandate and had considered it necessary to report reasonably fully on his visit to Iran. Even at that length, it had not been possible to include in his report all the criticisms which he had received on the human rights situation in Iran. He drew attention to the fact that paragraph 45 of the report mistakenly stated that the death penalty had been extended to additional offences.

13. He had faced the dilemma of whether to focus his work on individual cases or on the system of governance itself and its impact on human rights. He had

finally decided that the focus should be somewhere in between, since individual cases were revelatory of the system itself.

14. Recalling that 1995 had been designated as the United Nations Year for Tolerance, he noted that there was a correlation between the promotion of a culture of tolerance and the promotion of a culture of human rights. It behoved States which sought international respect for the particularity of their interests and cultures to respect diversity within their own societies.

15. His aim in his first report had been to draw up a list of areas that he wished to examine in greater detail during future visits to Iran. The Government of the Islamic Republic of Iran had cooperated with him and he expressed the hope that the constructive dialogue which had been begun would continue. He also thanked the Centre for Human Rights for its help in the preparation of his report and expressed appreciation to the individuals and organizations which had taken the trouble to make their views known to him.

16. Mr. GROTH (Special Rapporteur on the situation of human rights in Cuba) introducing his report (E/CN.4/1996/60), said that there had been no significant change in the way he had been carrying out his mandate since the preceding years, since the Cuban Government continued to refuse to cooperate with him in any way or to allow him to visit the country. The Cuban Government had also not replied to the request of certain thematic mechanisms of the Commission wishing to visit the country. That negative attitude on the part of the Cuban delegation was particularly strange on the part of a country with a long history as an active member of the Commission.

17. He had continued to seek information from a wide variety of sources in order to give as balanced as possible an overview of the human rights situation, which did not seem to have become better or worse in 1995. The Cuban Government had taken some commendable decisions, since it had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and invited a group of NGOs to visit several persons who had been imprisoned for offences of a political nature. However, those appeared to be only isolated measures which were not part of a strategy to improve the exercise of civil and political rights.

18. As was clear from the report and as shown by the number of people currently serving sentences for political offences, the range of human rights violations was unchanged. The report also included a long list of recommendations which were realistic in the sense that, while their implementation would require an important change in priorities, it would in no way require the current leaders to step down; for example, those recommendations did not include the holding of free, multi-party elections. While he was, of course, wholly in favour of such a step, he felt that other measures were urgently needed in order to create the conditions for holding elections.

19. Since the report had been submitted to the secretariat of the Centre for Human Rights in January 1996, it did not reflect certain important events which had taken place since then. In February 1996, the Concilio Cubano, an alliance of about 100 human rights groups, independent professional associations, trade unions and political opposition or other groups whose goal

was the use of strictly peaceful methods to achieve the participation of all Cubans in a transition to democracy, had requested permission to organize a meeting at the national level; as a result, about 100 of its members had been arrested in various parts of the country. Most of them had been released several hours or several days later, but three of the leaders had been tried in the following days and sentenced to penalties of 6 to 15 months' imprisonment. Others were still awaiting trial.

20. In February, the Cuban air force had also shot down two small civilian airplanes belonging to the Miami-based organization "Hermanos al Rescate". In addition to the loss of human life, the political consequences of that incident had been considerable. The adoption of the Helms-Burton law in the United States was making the tensions between the two countries even worse and was certainly not helping to create a climate favourable to respect for human rights.

21. Within the country, the hardening of positions and isolation had once more halted the dialogue which had been begun in certain intellectual circles with the resulting risk of an increase in violence in a young population which had no hope for the future and was frustrated by paternalistic and authoritarian opposition to change. The Cuban situation reminded him of an antique tragedy in which the actors followed the plot and acted out their destiny instead of behaving rationally in accordance with their real interests, something that would allow Cuban society to move towards a more viable and more equitable system in all areas.

22. Mr. CABALLERO RODRIGUEZ (Cuba) said that the Commission was once again engaging in the dialectic of demonization, isolation and aggression by which the United States tried to portray Cuba as a diabolical "human rights violator" and to exorcize the Revolution in an attempt to destroy it at the national and international levels. It was impossible to overstate the extent to which the functions of the Special Rapporteur on the situation of human rights in Cuba had been established for the purpose of speeding up a process which was supposed to lead to the end of the Revolution in the very near future. Despite its problems, however, the Cuban Revolution was just as strong as ever. While the procedure in question had not achieved the goal for which it had been created, the United States wanted to maintain it at all costs, on the one hand, for reasons of domestic politics which had nothing to do with respect for and the promotion of human rights and, on the other, in order to justify the resolution adopted by the Commission each year and provide grist to the mill of United States propaganda against Cuba.

23. The Special Rapporteur's report (E/CN.4/1996/60) gave rise to serious reservations. First, the recommendations it contained reconfirmed the interventionist nature of the procedure. The Special Rapporteur took it on himself to give advice to a sovereign State on its legal institutions and even its Constitution, as though the principle of sovereignty had been deleted from international law. Moreover, he appeared not to accept the existence of other approaches to the human rights problem, which might prove to be at least as legitimate as his own. As a result, the judgements and criteria which he applied to Cuba were often in total contradiction with the realities of the country. For example, he made frequent references to the supposed "embryo of civil society" in Cuba. In fact, Cuba not only had a fully operational civil

society, but, contrary to the situation in other countries, that society had always played a particularly active role in the country's political and economic life.

24. What was worse, the Special Rapporteur had deemed it necessary to include information in his report on "a number of persons" who had died in the Straits of Florida while trying to leave Cuba. He appeared to be insidiously and indirectly suggesting that the Cuban Government was responsible for those deaths. The Cuban delegation strenuously objected to Mr. Groth's behaviour in that regard. It was also evident that the report was characterized by a flagrant imbalance between the importance it attached to the analysis of the situation of civil and political rights and the lack of attention it paid to the enjoyment of economic, social and cultural rights.

25. It an earlier report, the Special Rapporteur had been obliged to recognize, albeit after dozens of pages of criticism, that, in order to analyse the human rights situation in Cuba, it was essential to take into account the many instances of outside interference directed against the Cuban Revolution. While the United States had not been mentioned in that context, that aspect of the problem must be borne in mind before the situation could be objectively understood. He wondered how the Special Rapporteur, who claimed to be deeply attached to the guarantees of due process, could repeat word-for-word the decisions of other United Nations bodies such as the International Labour Organization (ILO) without any reference to the relevant principles referred to by the representatives of the Cuban Government.

26. All of the above confirmed Cuba's opinion that the Special Rapporteur's function was part of the United States campaign of aggression against Cuba. Cuba would, however, continue to cooperate with all truly universal authorities within the context of their mandates, particularly, with the United Nations High Commissioner for Human Rights. But Cuba found it absurd that the process should be repeated year after year while an alleged "financial crisis" was making it necessary to cut back on many similar activities. Moreover, more and more Member States, including those which had initially supported the mechanism, were criticizing its pointlessness. It was clear from the votes on the United States anti-Cuban initiatives since 1993 that Mr. Groth's annual reports were increasingly perceived as an undesirable carry-over from the cold war, a political weapon in the hands of the United States and a clear North-South confrontation. All of those factors could only increase tensions among Member States within a framework where international cooperation should, in fact, prevail, in accordance with the Charter signed at San Francisco. In both the General Assembly and the Commission, there had been a sharp decline in the support which the United States received from other delegations against Cuba, and all the evidence suggested that the same scenario would be repeated during the current session. What justification was there for perpetuating such absolute nonsense?

27. Mr. BIRO (Special Rapporteur on the situation of human rights in the Sudan), introducing his report (E/CN.4/1996/62), said that the Commission would be discussing the situation of human rights in the Sudan in public for the third time. In all their resolutions on the question, the General Assembly and the Commission had concluded that serious violations were

being committed in that country, where nearly all human rights were being violated. In the north, agents acting in the name and on behalf of the Government were responsible for those violations, while, in the south, all parties to the armed conflict had committed serious offences against life, liberty and security.

28. The facts stated in the earlier reports had now been corroborated by various independent sources and were no longer debatable. But despite all the resolutions which had been adopted by an overwhelming majority of the international community, particularly Commission resolution 1995/77, which called on the Government of the Sudan to remedy the situation, no communication on steps taken in response to those requests had been received from the Government and the Special Rapporteur had not received reports from any independent sources in or outside the Sudan.

29. During 1995, the Commission had been particularly concerned by the situation of women and children. Although the Sudan had been one of the first countries to sign the Convention on the Rights of the Child, in 1995, women and children belonging to certain ethnic, racial and religious groups had continued to be discriminated against and the violations committed against them had not changed. In the south, women and children were still being kidnapped and enslaved, sometimes - which was particularly alarming - by members of the Sudanese army or the paramilitary units created since 1989. It was totally unacceptable that the Government, which had sufficient concrete information to put an end to such practices, had thus far remained passive. He therefore hoped that the new committee responsible for investigating allegations of slavery, of which the creation had recently been announced, would make it possible to hold the perpetrators responsible for their acts. Of particular concern was the fact that the majority of victims of those violations were members of the indigenous tribes and communities from the Nuba Mountains and the Ingassema Hills, i.e. the Dinka tribe from Bahr al Ghazal, and of other southern ethnic minorities.

30. Through the intervention of eminent persons such as President Carter and of various United Nations agencies, such as the United Nations Children's Fund (UNICEF), there had nevertheless been some progress in the south, including: the Guinea worm vaccination campaign, the family reunification process and the humanitarian agreement between Operation Lifeline Sudan and the main rebel factions. But the Government needed to take a less ambivalent position towards those initiatives and to give humanitarian organizations more freedom to operate in the field.

31. The situation of human rights in the Sudan should therefore be kept under continuous monitoring and the small-scale operation recommended by the Commission in 1995 and approved by the Economic and Social Council should receive the necessary financial and moral support so that it could begin without delay. The idea of placing human rights observers in the field, particularly in the south, was unrelated to the refusal of the Sudanese Government to cooperate with the Special Rapporteur. As early as 1993, the Special Rapporteur had discussed the project, which was an attempt at prevention through better information on the human rights situation, with the Sudanese authorities. At the time, the Special Rapporteur had argued that he spent too little time in the country to gather all the needed information.

The use of observers would make it possible properly to verify the information received and to set up technical assistance projects, including human rights training seminars for members of the security forces, the army and the police. However, the idea had been rejected in December 1993 by the Sudanese authorities, who viewed it as an attack on national sovereignty and interference in its internal affairs.

32. However, the project should not be linked to the Government's obligation to allow the Special Rapporteur access to all regions of the Sudan. The Special Rapporteur had had several reasons for proposing the deployment of observers in his preceding report. First, the situation was continuing to deteriorate. Secondly, the Sudanese People's Liberation Army had unilaterally agreed to respect international humanitarian law in general and the rights of the child in particular and, in cooperation with United Nations agencies, to facilitate family reunification in the rebel-controlled areas of the south, thereby demonstrating the potential importance of observers. Thirdly, representatives of Sudanese society had repeatedly requested information on United Nations human rights activities.

33. The idea of a small-scale human rights field operation was therefore prompted by those considerations, not, as had been stated, by the previous relationship between the Sudanese Government and the Special Rapporteur. He did not understand why an operation with such modest budgetary requirements and such great humanitarian potential had not yet been started.

34. He emphasized that, as in the past, he would strive during his future visits to the Sudan to show due respect at all times for the dignity of Islam and all other religious beliefs.

35. Mr. HAMID (Observer for the Sudan) expressed the hope that the negotiations currently under way under the auspices of the United States of America and other delegations with a view to enabling the Special Rapporteur to resume his mandate would bear fruit during the current session.

36. The report submitted by the Special Rapporteur was not an accurate reflection of the human rights situation in Sudan for several reasons: it was clear that Mr. Bíró had obtained his information from sources hostile to the Government and the Sudanese people; that information was unreliable and had not been verified; the Special Rapporteur failed to mention several important events, including the democratization process, the organization of parliamentary and presidential elections, the national reconciliation process and, above all, the conclusion in April 1996 of an agreement between the Government and two of the three warring factions in southern Sudan.

37. The Sudanese Government therefore could not accept the Special Rapporteur's recommendation that monitors should be placed in regions where the opposition was being given refuge and full support in its efforts to overthrow the Sudanese Government.

38. While it was true that the Special Rapporteur had been refused access to Sudan during the past two years, he had made three visits there in 1992-1993

and, by his own report, the Sudanese Government had been very cooperative. The Government hoped to be able to work with the Special Rapporteur in that spirit again.

39. Mr. DEGNI-SEGUI (Special Rapporteur on the situation of human rights in Rwanda), introducing his report (E/CN.4/1996/7 and 68), said that his four missions to Rwanda in 1995 had allowed him to keep abreast of the investigation on genocide, the human rights situation and the problem of the return from exodus.

40. With regard to the investigation on genocide, the deployment of observers had met with several difficulties of a material and political nature and the original target of 147 observers had never been achieved. There were currently 112 observers in all of Rwanda (as opposed to 127 a year previously). Insufficient human and material resources and the monthly renewal of their contracts did not leave observers in the best situation to carry out their mandate, which, as a result of that fact, was suffering seriously. Moreover, the Special Rapporteur had been unable to shed light on the circumstances surrounding the attack on the presidential aeroplane on 6 April 1994. There had also been problems with regard to reporting between the human rights operation and the Rwandan authorities and between the Special Rapporteur and the Special Procedures Branch of the Centre for Human Rights. Those problems had been nearly resolved and, despite the difficulties, progress had been made.

41. The investigation in the field had provided confirmation of genocide and other crimes against humanity through eyewitnesses and other evidence gathered systematically prefecture by prefecture, from escapees, military observers and NGOs which had described the massacres and named the persons responsible and those behind them. The investigation had also made it possible to identify the victims, who had included thousands of women, children and Twas. The problem of bringing to trial the persons presumed responsible for those crimes remained almost as great as ever. The International Tribunal for Rwanda had issued only a dozen indictments and the Rwandan judicial bodies had not yet been re-established. That situation was due largely to the hesitancy of Member States to cooperate with the International Tribunal, particularly in matters of funding and extradition, and with the various authorities involved in the field operation. That situation was unlikely to restrain the victims' desire for revenge and might serve as a pretext for reprisals, as evidenced by the renewed outbreaks of human rights violations.

42. The human rights situation had not improved and seemed, in fact, to have worsened. The problem of illegal occupation of property had not been resolved owing to the failure of the land dispute committee established by the Government in August 1994 and the United Nations Development Programme (UNDP) project to build housing for repatriated people had failed for lack of funding. Violations of freedom of expression (suspension of newspapers and seizure of copies, intimidation, threats, arrests, kidnappings and even murders) were taking on disturbing proportions and were targeting, in particular, journalists, members of religious orders, members of human rights organizations, active members of political parties and even magistrates. Violations of the right to personal security included the arbitrary arrest and detention of persons accused of having participated in the genocide, sometimes

following false accusations made for the purpose of confiscating the land of Hutu property owners. The continuing overcrowding in the prisons, despite efforts made to solve the problem, had resulted in deplorable prison conditions; it was one of the principal causes of death and was complicated by the ill-treatment inflicted on inmates. With regard to violations of the right to life and physical integrity, there had been an increase in the enforced disappearance, summary execution and even massacre of Hutus since 1995. The former Prime Minister, Faustin Twagiramungu, had put the figure at 310,000 dead and had promised the Special Rapporteur to provide him with the documents and evidence in his possession. Those documents would be studied in detail and an on-site inquiry would be carried out by human rights observers.

43. The above-mentioned facts were not likely to facilitate the return from exodus. The failure of the United Nations-sponsored "Operation Return" and of the policy of voluntary repatriation, the massacres carried out in Kibeho during the enforced "repatriation" of displaced persons, the threat of expulsion which hung over refugees in Zaire, the refusal of States of destination to accept any more refugees and the insecurity which prevailed in the camps were causes for serious concern. Over 20,000 people had, indeed, been repatriated from Zaire under correct conditions, but the problems with regard to reception facilities for refugees in Rwanda and for the reinstallation, security, recovery of property and social readaptation of those refugees remained.

44. In order to solve those problems, it was essential to speed up the prosecution of genocide, other crimes against humanity and ongoing human rights violations by giving the International Tribunal for Rwanda and the human rights observers, whose number should be increased to a total of 300, the necessary means of carrying out their task and by helping the Rwandan Government re-establish its prison and legal systems, assisting in national reconstruction and reconciliation and, to that end, calling on the Rwandan Government to take steps to ensure respect for human rights and to punish violations of those rights, thereby breaking with the tradition of impunity. The Rwandan refugees must also be protected and allowed to return to their country. The Commission should recommend that States of destination, particularly Tanzania and Zaire, should respect their international commitments with regard to the protection of refugees; it should recommend that the international community, the Rwandan Government and States of destination should seek a comprehensive and lasting solution; and it should encourage the parties to the conflict to seek a comprehensive and lasting solution to the problems of the Great Lakes region.

45. Mr. MBONIMPA (Observer for Rwanda), thanking the Special Rapporteur for the enormous amount of work he had carried out, said that he reserved the right to reply at a later stage to his analysis of the situation of human rights in Rwanda.

46. Mr. GARRETON (Special Rapporteur on the situation of human rights in Zaire), introducing his report (E/CN.4/1996/66), said that the democratization process had made little headway in 1996; General Mobutu still wielded absolute power, particularly over the armed forces, the security services and the police, who were responsible for over 90 per cent of the human rights

violations listed in the report. There could be no progress towards democracy without a real, good-faith reduction in the absolute power of General Mobutu.

47. According to the information received since the report had been written, the human rights situation had not improved and the army and police continued to commit atrocities with complete impunity. In January 1996, he had intervened on an emergency basis with the Government, together with the Special Rapporteur on Torture, to protect four prisoners held in Mweso (North Kivu), three of whose fellow detainees had died under torture. In that regard, he welcomed the fact that, on 18 March 1996, Zaire had deposited the instruments of ratification of the Convention against Torture and he encouraged the Government to make the declaration provided for in article 21 of that instrument.

48. He was concerned by the possible disbanding of several non-governmental human rights organizations, for example, the Association zaïroise pour la défense des droits de l'homme (AZADHO) and Voix des sans voix. With regard to freedom of expression, he had been informed in March 1996 of the existence of a project to enable all political parties to express their views on radio and television.

49. The Government was doing nothing to prevent inter-ethnic violence and sometimes even instigated it, as had been the case in Shaba since 1992.

50. With regard to the refugee situation in Zaire, he welcomed the fact that the Government had stopped expelling Rwandan refugees and was moving out those who engaged in intimidation. However, some of the steps which it had taken to encourage the repatriation of refugees, for example, the prohibition of educational activities in the camps, could not be justified. In any case, no one could expect Zaire to solve the refugee problem by itself. That task was the responsibility of the international community as a whole.

51. The Zairian Government's desire for the repatriation of refugees or their resettlement in other countries was perfectly legitimate. In that regard, contrary to what the Zairian Council of Ministers had said, he had never maintained that repatriation efforts were a human rights violation. His objection had been to the threats of expulsion and refoulements at the border. He had never suggested that the refugees should be integrated into Zairian society nor had he ever referred to them as immigrants.

52. Neither had he ever proposed the granting of Zairian nationality to refugees and immigrants. He had proposed that measure for the Bangyarwanda and Banyamulengue, who had been settled in Zaire for a long time and were neither refugees nor immigrants. He failed to understand why the Council of Ministers was accusing him of an "unjust, subjective and rancorous" attitude. He was, in fact, attempting to be as objective as possible and had no reason to hate anyone.

53. He thanked the Government for having invited him to make a second visit to Zaire, where he had been allowed to move about freely. However, he regretted the Government's lack of cooperation; for example, it had provided him with information on only five of the 112 cases of human rights violations

which had been brought to his attention. In that connection, he said that, according to a reliable source, Dr. Satiro had, indeed, been assassinated by soldiers on 18 September 1995.

54. In conclusion, he requested the Zairian Government to authorize the establishment of a human rights office in Zaire which would cooperate with him and assist the Government and civil society and to establish a relationship of productive, sincere cooperation with the Commission. For his part, his only goal was to contribute to respect for the human rights of the entire Zairian people, whom he had truly grown to love.

55. Mr. MULUME (Observer for Zaire) thanked the Special Rapporteur for his report and noted with satisfaction that he had made several corrections to take account of events which had occurred since the beginning of the year. His delegation reserved the right to refute some of the Special Rapporteur's allegations at a later stage.

56. Ms. OSEREDCZUK (Inter-Parliamentary Union) said that, by the functions they exercised and even by the activities they carried out to protect the fundamental rights and freedoms of those they represented, parliamentarians ran the risk of becoming, themselves, victims of human rights violations. Her organization had established the Special Committee on Violations of the Human Rights of Parliamentarians to consider complaints made by parliamentarians and, where appropriate, to place them before its governing body, the Inter-parliamentary Council of the organization.

57. The Union was dealing with cases involving 78 parliamentarians; some of those cases were cause for particular concern owing to their seriousness and to the lack of any reason to hope for a satisfactory solution in the near future. For example, six Colombian parliamentarians, all members of the Patriotic Union, had been assassinated since 1986. None of the inquiries conducted had yielded any results and the cases had been closed, except for those of two senators, but the paramilitary group leaders wanted for those murders were still at large.

58. In Myanmar, the Government was still refusing to accept the results of the 1990 elections. The Union considered that the national Convention could in no sense be considered a step towards the re-establishment of democracy, particularly since the party which had won the elections was no longer represented there. The Committee had expressed its deep concern at the contradiction between the information provided by the authorities on the overall conditions of detention in the country and the serious allegations of mistreatment of prisoners, in particular, certain deputies, who had been imprisoned for providing information to the Special Rapporteur on the situation of human rights in Myanmar. The Government had not yet responded to requests for information on the matter.

59. In Cambodia, Mr. Rainsy, a Cambodian parliamentarian, founding member of the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) and well-known critic of government policy, had been expelled from his party in May 1995 and had been dismissed from the National Assembly despite the absence of any law authorizing such a measure. The Union believed that he had been stripped of his parliamentary functions

for having exercised his right to freedom of expression and was engaged in dialogue with the Cambodian Government with a view to a solution. It reminded the international community, which had contributed to the re-establishment of peace and the restoration of democratic institutions in Cambodia, that it had a particular responsibility towards that country.

60. Mrs. NEURY (Centre Europe-Tiers Monde - CETIM) said that it had taken nearly 20 years for Turkey to admit at last that, during the invasion of Cyprus, its army had turned over more than 1,600 Greek Cypriot prisoners to Turkish Cypriot paramilitary forces and that those prisoners had all been executed. The victims' families had received no compensation and the Turkish authorities should be condemned for those atrocities and for the lying statements that they had made for so many years. In the south-eastern part of its territory, Turkey was wiping out the Kurd community with full impunity. Nearly 4 million people had been displaced and had been totally abandoned by the international community. In the light of that situation, CETIM wondered what criteria the Commission was using in deciding that a country was worthy of particular consideration.

61. In that regard, she emphasized that, despite the embargo imposed by the United States, which had major consequences for the realization of economic and social rights Cuba had the best social indicators of any Latin American country: all children had one meal per day and a place to live, went to school and received free health care. According to the 1994 UNICEF report on the situation of children in the world, that was not the case for all children living in the United States. It was unfortunate that Cuba, which was the victim of the Commission's lack of objectivity, continued to be made the subject of a report.

62. The policies of the international financial and trade institutions flouted fundamental human rights: they were reducing, the sovereignty of States in a disturbing manner through the imposition, in the name of economic growth, of programmes which were destroying the fabric of societies and numerous corporate privatizations. Several weeks previously, in Bolivia, there had been a major popular demonstration in response to an appeal from the Confederation of Bolivian Trade Unions, which was rejecting the partial privatization of the railways and the Bolivian national oilfield company and was accusing the Government of seeking to destroy the national industry and blindly following the diktat of international financial institutions with the support of the United States Government. Teachers had demonstrated to reject the reform of the educational system which had been imposed by the World Bank and was a threat to the public schools. In April, transport workers had launched a general strike, which had paralysed the entire country.

63. In conclusion, CETIM appealed to the Commission and its various organs to take a firm position against the policies of the international financial and trade institutions, which were incompatible with human rights standards.

64. Mr. PEREZ-BERRIO (American Association of Jurists) said that the United States of America could no longer escape its responsibility as the world's major consumer of marketed drugs and the country of origin of a large portion of the narco-dollars in circulation worldwide. The United States Government must fight drug consumption at home by adopting appropriate social

measures and eliminating the drug traffic without taking it upon itself to judge other countries. The decision regarding Colombia was not only a unilateral sanction, contrary to international law; if applied, it would harm the Colombian economy and further encourage the drug traffic and the entry of narco-dollars into Colombia.

65. He was a former mayor of Chigorodó and a member of the Patriotic Union, an opposition party which had been persecuted since its establishment by the Colombian State and of which over 3,000 members, including 2 presidential candidates and dozens of parliamentarians, public figures and militants, had been victims of security forces and paramilitary groups working for the Government. The extermination was continuing: even as the Commission met, another massacre, announced in advance, had been perpetrated by paramilitary groups in Apartadó on 3 April: 10 persons, including 2 women and 2 children, had been executed in front of their families and 6 others had been wounded.

66. By proclaiming a state of siege, the State had instituted a system of faceless justice which, under the pretext of prosecuting drug traffickers, was being used to put down the Colombian popular movement. He, himself, as a recently elected candidate, had been arrested by the army in July 1994, tortured, accused of having committed murder for terrorist purposes and arbitrarily imprisoned for a whole year in a maximum security facility. However, the faceless judges and soldiers had not imprisoned Fidel Castaño or his brothers, who were responsible for numerous massacres. The Ministry of the Interior had admitted having met with them with the intention of taking steps towards legalizing their activities, even though warrants for their arrest had been issued.

67. The American Association of Jurists condemned the interference of the United States of America, which was harmful to the Colombian people. In view of the persistent and systematic human rights violations, it requested the Commission to appoint a special rapporteur whose mandate would include a study of the role played by the drug traffic and narco-dollars.

68. Ms. BRACHET (International Federation Terre des Hommes), speaking on behalf of eight other NGOs (International Federation of ACAT (Action of Christians for the Abolition of Torture), World Federation of Methodist Women, France-Libertés: Fondation Danielle Mitterand, Franciscans International, Jesuit Refugee Service, Women's International League for Peace and Freedom, Pax Christi International and Pax Romana), praised the courage of Belgium, which had been the first country to adopt a law banning all production, traffic, use and stockpiling of anti-personnel mines in its territory. Encouraging steps had also been taken in Switzerland and the Netherlands and 29 States had announced a total or partial moratorium on the export of anti-personnel mines, while the 52 countries of the Organization of African Unity (OAU), together with 23 other States, had spoken in favour of a total ban on such mines.

69. The situation in the field was still very disturbing. Over 110 million anti-personnel mines were currently scattered in 64 countries, more than half of which were in a real state of crisis owing to the existence of those devices; the worst affected were Angola, Ethiopia, Eritrea, Mozambique, Somalia, Sudan, Afghanistan, Cambodia, Bosnia and Herzegovina and Iraq.

70. During the past 20 years, anti-personnel mines had been increasingly used against civilians and continued to cause death years after the end of hostilities. In Afghanistan, following the return of a large number of refugees in 1992, the number of people wounded by mines had doubled. Every month, over 2,000 people worldwide, mostly women, children and peasants, were killed or wounded by mine explosions. In Peshawar (Pakistan), the percentage of children wounded by mines had gone from 14 to 25 per cent in two years and the resulting wounds often required amputations or resulted in serious disabilities. In Cambodia, over 30,000 of the 10 million inhabitants were amputees. According to ICRC, a child who was wounded at the age of 10 would need an average of 25 prostheses during his life, at a cost of US$ 3,125. Anti-personnel mines adversely affected the economy, development, reconstruction, peace and the environment. De-mining operations were slow, costly and dangerous. For every mine that had been removed in 1995, 20 new mines had been laid.

71. The Commission should follow the example of many governmental and non-governmental bodies and make a clear statement in favour of a total ban on the production, transfer and use of anti-personnel mines. In any case, every State could contribute to the eradication of that scourge either unilaterally in its own territory or in cooperation with others.

72. Ms. ASSAD (International Pen) said that her association had been outraged by the execution of the writer, Ken Saro-Wiwa, in Nigeria in November 1995 after a parody of a trial before a tribunal composed of three people chosen by the military Government. The accused had had no right of appeal and two of the prosecution witnesses had been bribed. Saro-Wiwa, an outspoken defender of minorities, had been charged with incitement to murder, but no firm evidence against him had been produced. Journalists covering his trial had been threatened.

73. Other Governments were turning to capital punishment to silence dissidents. In China, one person had been executed in early 1995 for having published material deemed "pornographic" and two others had received the same sentence, in one case with a two-year stay of execution. "Counter-revolutionary" acts also carried the death penalty, although recently the sentences had been restricted to long prison terms.

74. The majority of killings of writers were extrajudicial. In 1995, International Pen had recorded 40 murders of writers; in most of those cases, no one had been prosecuted and there were indications that the perpetrators of those crimes had been given total impunity. In Turkey, two journalists had died in suspicious circumstances while in custody, four others had disappeared and many others had received death threats and had been regularly arrested. Of particular concern were reports of the widespread use of torture in Turkish detention centres, particularly in the south-east, where a detainee could be held for up to 30 days before being brought before a judge.

75. Impunity was a serious problem in Latin America. In Guatemala, two writers had been murdered and it was feared that the decision to try the accused before a military tribunal would result in either acquittal or a light sentence.

76. International Pen applauded the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1995/61) and urged him to continue to impress upon Governments their obligation, under the Universal Declaration of Human Rights, to protect their citizens' right to freedom of expression and association.

77. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that she wished to raise once again the question of the miserable situation of the Cypriot people. The humanitarian crisis in Cyprus had remained unsolved for over 20 years despite the many resolutions of the United Nations and other international organizations exhorting the Turkish Government to withdraw its troops and settlers. The Turkish Government failed to abide by international human rights standards, even with its own people, for example, the Alevites and the Kurds. There must be no more genocides like those committed against the Armenians and the Pontians.

78. Since 1986, Colombia had been the scene of the worst human rights violations that a country could experience. Several of the Commission's thematic mechanisms had made a number of recommendations to the Colombian Government, asking it to break the vicious circle of impunity, strengthen the ordinary system of justice, re-establish guarantees of due process and put an end to the state of emergency. Those recommendations had been ignored. In 1995, over 2,500 people had been murdered for political reasons and 111 had disappeared; the military courts were continuing to try cases of human rights violations involving members of the army and the police; orders for the discharge of soldiers issued by the prosecutor's office were rarely confirmed by the Executive Power (in one case, the prosecutor who had ordered the penalty had even been forced to leave the country and the guilty party had been decorated); and recommendations for the dismissal of State officials implicated in human rights violations had been acted upon in only one case.

79. She asked how many murders and disappearances it would take before the international community assumed its responsibilities towards the Colombian people and how many recommendations, special rapporteurs, experts and working groups would be needed before it took effective steps to deal with the problem. The International League for the Rights and Liberation of Peoples urged the international community to appoint a special rapporteur on Colombia.

The meeting rose at 6 p.m.